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7
8 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

E-FILED - 9/21/06

10 UNITED STATES OF AMERICA,) No. CR 06-0278 RMW
11)
Plaintiff,)
12 v.) **STIPULATION TO CONTINUE**
) **HEARING AND EXCLUDE TIME;**
13 PAULINO ROMAN-GUTIERREZ) **ORDER**
)
14 Defendant.)
15 _____)

16 **STIPULATION**

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Monday, August 28, 2006, at 9:00 a.m., be continued to Monday, September 18, 2006, at 9:00
20 a.m. The defense requests the continuance on the following grounds: Defense investigation is
21 ongoing, and the parties are attempting to negotiate a resolution of the case. Additionally,
22 defense counsel is unavailable in late August.

23 The parties further agree that time should be excluded under the Speedy Trial Act until
24 the next hearing of this matter because the defendants require time for investigation and
25 preparation, and the ends of justice outweigh the defendants' and the public's need for a speedy
26 trial.

STIPULATION TO CONTINUE
HEARING DATE; ORDER
No. CR 06-0278 RMW

1 Dated: 8/23/06

/s/
LARA S. VINNARD
Assistant Federal Public Defender
Attorney for Paulino Roman-Gutierrez

4 Dated: 8/23/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

7 **ORDER**

8 The parties have jointly requested a continuance of the hearing set for August 28, 2006,
9 on the grounds that the defense investigation is ongoing and the parties are attempting to
10 negotiate a resolution of this case. Additionally, defense counsel will be unavailable in late
11 August.

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
13 presently set for August 28, 2006, be continued to September 18, 2006, at 9:00 a.m.

14 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
15 from August 28, 2006 to September 18, 2006, shall be excluded from the period of time within
16 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

18 Dated: 9/21/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge